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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/757,065	01/08/2001	Katsuhisa Kataoka	JA999-291	6585

7590 06/29/2004

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EXAMINER	
PHAM, THOMAS K	

ART UNIT	PAPER NUMBER
2121	

DATE MAILED: 06/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/757,065	KATAOKA, KATSUHISA	
	Examiner	Art Unit	
	Thomas K Pham	2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 January 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

First Action on the Merits

1. Claims 1-6 of U.S. Application 09/757,065 filed on 01/08/2001 are presented for examination.

Quotations of U.S. Code Title 35

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim Rejections - 35 USC § 102

6. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,393,605 ("Loomans").

Regarding claim 1

Loomans teaches a method for starting an application program loaded from a server on a client machine, comprising the steps of:

a. loading an execution environment identifying applet from the server in response to an application program starting request made on the client machine (col. 5 lines 1-8, "When implemented in ... to a server computer");

b. loading, from the server, a code that the application program to be started on the client machine requires and a starting command for starting the application program, on the basis of a result obtained by of executing the execution environment identifying applet (col. 5 lines 9-31, "In response to the URL ... components not required at startup"); and

c. executing the starting command on the client machine and starting the application program (col. 6 lines 16-22, "a browser in resident in a client computer ... limited to e-commerce applications").

Regarding claim 2

Loomans teaches a method for starting an application program loaded from a server on a client machine, comprising the steps of:

a. loading, from the server, a code that the application program to be started on the client machine requires and a starting command for starting the application program, in

response to an application program starting request made on the client machine (col. 5 lines 9-31, "In response to the URL ... components not required at startup"); and

b. executing the starting command on the client machine and starting the application program (col. 6 lines 16-22, "a browser in resident in a client computer ... limited to e-commerce applications").

Regarding claim 4

Loomans teaches a software product for starting an application program loaded from a server on a client machine, comprising:

a. an execution environment identifying software for identifying an execution environment from the server in response to an application program starting request made on the client machine (col. 5 lines 1-8, "When implemented in ... to a server computer");

b. a required code acquiring software for acquiring a code which the application program to be started on the client machine requires (col. 5 lines 9-31, "In response to the URL ... components not required at startup"); and

c. an application program starting software for executing a starting command for starting the application program on the client machine and thereby starting the application program (col. 6 lines 16-22, "a browser in resident in a client computer ... limited to e-commerce applications").

Regarding claim 5

Loomans teaches a software product for starting an application program loaded from a server on a client machine, comprising:

a. a required code acquiring software for loading from the server a code which the application program to be started on the client machine requires and a starting command for starting the application program, in response to an application program starting request made on the client machine (col. 5 lines 1-8, "When implemented in ... to a server computer"); and

b. an application program starting software for executing the starting command on the client machine and starting the application program (col. 6 lines 16-22, "a browser in resident in a client computer ... limited to e-commerce applications").

7. Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,393,605 ("Loomans").

Regarding claims 3 and 6

Loomans does not teach judging whether the code which the application program requires is present or not on the client machine, wherein, with respect to the code which the application program requires and the starting command for starting the application program, the code which the application program requires is loaded from the server when the code which the application program requires is not present on the client machine. However, Loomans teaches the application engine determines which files will be loaded for the associated application or sub-application based on the client's operating environment (col. 7 lines 11-21, "It should be noted that ... components and data components") for the purpose of loading additional components required during a particular user sessions. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention that the "judging whether the code which the

application program requires is present or not on the client machine" is part of the determination of which files will be loaded to the client machine for the purpose of loading additional components required during a particular user sessions.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (703) 305-7587 and fax number is (703) 746-8874, Monday-Thursday and every other Friday from 7:30AM- 5:00PM EST or contact Supervisor *Mr. Anthony Knight* at *(703) 308-3179.*

Any response to this office action should be mailed to: **Director of Patents and Trademarks Washington, D.C. 20231**, or **Hand-delivered** responses should be brought to **Crystal Park II, 2121 Crystal Drive Arlington, Virginia, (Receptionist located on the 4th floor),** or fax to the **official fax number (703) 872- 9306.**

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Thomas Pham
Patent Examiner

TP

June 25, 2004

Anthony Knight
Supervisory Patent Examiner
Group 3600